



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: October 30, 2002

LOG NUMBER: GH-D9415-01

At the request of Gregor Myhr dated July 19, 2002 per JARPA assigned WDFW Log No. JP-D9415-00, this Hydraulic Project Approval changes and replaces all previous HPAs for this project

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Washington Department of Transportation Transportation Building Attention: Gregor Myhr 310 Maple Park Avenue S. E. P. O. Box 47300 Olympia., WA 98504-7300	Not Applicable

PROJECT DESCRIPTION: Marine sediment test boring.
{Scientific instruments, Pending, Temporary, Movable, Buried below bed, Natural, Earth, Sand/Gravel}

PROJECT LOCATION: All WSDOT ferry terminals and bridge. locations over marine waters.

<u>#</u>	<u>WRIA</u>	<u>WATER BODY</u>	<u>TRIBUTARY TO</u>	<u>1/4 SEC.</u>	<u>SEC.</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>COUNTY</u>
1	various	Puget Sound	Admiralty Inlet	various		North	East	Kitsap, & others
1	various	Hood Canal	Admiralty Inlet	various		North	East	Kitsap, & others
1	various	Admiralty Inlet	Strait of Juan de Fuca	various		North	East	Kitsap, & others
1	various	San Juan Islands	Strait of Juan de Fuca	various		North	East	San Juan

NOTE: This Hydraulic Project Approval pertains only to the provisions of the Washington State Fisheries and Wildlife Codes. It is the permittee's responsibility to apply for and obtain any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval (HPA) authorizes only sediment test sampling as described in JARPA submitted July 19,2002, below + 5.0 ft. in reference to MLLW, tidal datum.. Any additional, related work shall require a separate HPA from Washington Department of Fish and Wildlife.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin **Immediately** and shall be completed by **December 31, 2003**, provided:
 - a. Intertidal hand augering and subtidal grab sampling work shall not occur from **February 15** through **August 15** of authorized period for the protection of migrating juvenile salmonids. Subtidal boring using the rotary method without pumping water as the casing is advanced is allowed year round.



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: October 30, 2002

LOG NUMBER: GH-D9415-01

- b. To minimize any effects upon baitfish in these marine waters, hand augering sampling in the intertidal areas may be conducted year round below + 5 feet tidal datum. In intertidal areas above this tidal elevation work may be acceptable if a WDFW representative confirms a lack of baitfish spawn during a site inspection. Arrangements for a site inspection shall be made with the Area Habitat Biologist listed below. Work shall commence within 48 hours of notification by WDFW and shall be completed within seven days of project commencement.
2. NOTIFICATION REQUIREMENT: The permittee shall notify the Area Habitat Biologist (AHB) listed below of the project work and its start date. Notification shall be received by the AHB at least three working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this Hydraulic Project Approval.
3. NOTIFICATION REQUIREMENT: The WSDOT shall submit to the WDFW, WSDOT liaison, Habitat Program, Campus Mail Stop 43200 reports of sediment test boring activity during the previous year and one month prior to the expiration of this HPA. These reports shall include the location of each sediment testing activity and the sampling method employed.
4. Work shall be accomplished per plans and specifications described in the above referenced JARPA and submitted to the Washington Department of Fish and Wildlife, except as modified by this Hydraulic Project Approval. These plans reflect design criteria per Chapter 220-110 WAC. These plans reflect mitigation procedures to significantly reduce or eliminate impacts to fish resources. A copy of these plans shall be available on site during construction.
5. Any device used for pumping or diverting water from fish bearing waters shall be equipped with a fish guard to prevent fish from entering the pump or being trapped against the screen pursuant to RCW 77.16.220 and RCW 77.55.040. The screen mesh shall be 1/8 inch or smaller with sufficient surface area to ensure pass through water and shall be maintained in good working order.
6. The drilling water recycle system shall be self contained. The drilling water recycle system shall be designed, operated and maintained such that recycle water does not re-enter the waters of the state.
7. Project activities shall be conducted to minimize siltation of the beach area and bed.
8. If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and WDFW Habitat Program shall be notified immediately.
9. All debris or deleterious material resulting from these activities shall be removed from the beach area and bed and prevented from entering waters of the state.
10. No petroleum products or other deleterious materials shall enter surface waters.
11. Drill tailings shall be disposed of upland such that they do not re-enter Waters of the state.
12. Anchor cable tension shall be maintained such that anchor cables do not drag on the bed of waters of the state.
3. Barge anchors shall be set and retrieved vertically.



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: October 30, 2002

LOG NUMBER: GH-D9415-01

14. Eelgrass and kelp shall not be adversely impacted due to project activities (e.g. barge shall not ground, equipment shall not operate, and other project activities shall not occur in eelgrass, kelp, or intertidal wetland vascular plants). If such vegetation is adversely impacted, it shall be replaced using proven methodology.
15. Project activities shall not degrade water quality to the detriment of fish life.
16. No petroleum products or other deleterious materials shall enter surface waters.
17. In determining locations for sediment test borings the permittee shall avoid if possible, areas where vegetation is visible or known to be present as a result of a survey of vegetation presence which has been completed.

SEPA: Exempt, dredging of less than 50 cubic yards

APPLICATION ACCEPTED: September 3, 2002

ENFORCEMENT OFFICER: Captains in Regions 4 & 6 [P3]

Rich Costello (425) 379-2318
Habitat Program

**for Director
WDFW**

Enclosure: List of Marine Area

Habitat Biologists

cc/enc: Washington State

Ferries

Deborah Cornett, Region 4
Rich Johnson, Region 4
Tony Oppermann, Region 4
Pam Erstad, Region 4
Julie Klacan, Region 4
Brian Williams, Region 4
Steve Kalinowski, Region 6
Margie Schirato, Region 6
Randi Thurston, Region 6
Bob Burkle, Region 6
Dave Molenaar, Region 6
Ann Shaffer, Region 6
Olympia file



HYDRAULIC PROJECT APPROVAL

RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: October 30, 2002

LOG NUMBER: GH-D9415-01

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: October 30, 2002

LOG NUMBER: GH-D9415-01

A person who is aggrieved or adversely affected by the following Department actions may request an formal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.